

EXHIBIT A

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

DAILEY LAW FIRM, PC,

Plaintiff/Counter-Defendant

v.

MICHIGAN SPINE AND PAIN,
Defendant/Counter-Plaintiff

Case No. 21-007081-CZ

Hon. Adel Harb

AND

JODY INGRAM; INTEGRATED COUNSELING
SERVICES; SUMMIT PSYCHIATRIC SERVICES;
CAPS CONSULTING, L.L.C.; TOTAL TOXICOLOGY;
MED TRUST L.L.C.; OPEN MRI OF LIVONIA;
AMERICAN SPECIALTY PHARMACY D/B/A ASP
CARES; MI IMAGING; PAIN ASSOCIATES OF
MICHIGAN; CRAIG PEPPLER, D.O.; HENRY FORD
HEALTH SYSTEM; BLUE CROSS BLUE SHIELD
OF MICHIGAN; HEALTHCARE IMAGING PARTNERS;
KRANS REHAB, L.L.C.; SPECTRUM REHABILITATION;
ASSOCIATED ORTHOPEDICS OF DETROIT; MICHIGAN
SPINE AND PAIN; MICHIGAN NEURO OPHTHALMOLOGY;
BINSON'S HOME HEALTHCARE; LABCORP;
PERFORMANCE ORTHO; METRO DETROIT
ENDOCRINOLOGY; MICHIGAN CRNAS STAFFING,
LLC; SUSAN NELSON; ATI PHYSICAL THERAPY,

Defendants

AND

MICHIGAN SPINE AND PAIN, a DBA of
MICHIGAN REHABILITATION PHYSICIANS, PLC,

Counter/Third Party Plaintiff

v.

BRIAN T. DAILEY,

Third Party Defendant

Brian T Dailey (39945)
Eric C Hoort (P84656)
William D Savage (P82146)
THE DAILEY LAW FIRM, PC
Attorneys for Plaintiff
36700 Woodward Ave., Suite 107 Bloomfield Hills, MI 48304
P: 313-640-1111 | F: 313-640-9999

STARK REAGAN
By: Peter L. Arvant (P52809)
Attorney for Defendant Total Toxicology
1111 W. Long Lake Avenue Suite 202
Troy, MI 48098
T: 248-641-9955
F: 248-641-9921

Elizabeth Downey
ELIZABETH A. DOWNEY, PLLC
For CRAIG PEPPLER, DO
30445 Northwestern Highway, Suite 250
Farmington Hills, MI 48334
248-539-7407

Robert S. Drazin (P23707)
DRAZIN & ASSOCIATES
Attorney for Jody Ingram
23855 Northwestern Highway
Southfield, MI 48075
248-948-9696

Jonathan A. Green (P51461)
GREEN & GREEN, PLLC
Attorneys for Michigan Spine & Pain 30300
Northwestern Highway, Suite 250
Farmington Hills, MI 48334-3475
248-932-0500

Ziyad Ihsan Hermiz (P72236)
VARNUM, LLP
Attorney for M1 Imaging
260 Brown Street, Suite 160
Birmingham, MI 48009-6222
248-567-7800

Amerique Philyaw Dockery (P79496)
ASSISTANT GENERAL COUNSEL BCBS MICHIGAN

600 Lafayette Blvd., Mail Code 1925
Detroit, MI 48221
313 653 7006

Phillip A Jaffe (P25997)
Attorney for Open MRI of Livonia
P.O. BOX 25092
West Bloomfield, MI 48325-0902
248 224 1463

Bruce K. Panzer (P39913)
BRUCE K. PAZNER, PC
Attorney for Michigan Neuro
15200 E. Jefferson Ave, Suite 104
Grosse Pointe Park, MI 48230-2055
313 822 6097

Tim Sulolli (P58798)
GOODMAN ACKER, P.C.
Attorney for Krans Rehab
17000 W. 10 Mile Road, 2nd Floor
Southfield, MI 48075
(248) 483-5000

ORDER APPOINTING COURT APPOINTED RECEIVER

At a session of said Court held on 6/26/2023,
in the County of Wayne, State of Michigan

Present: Hon. Adel Harb

This matter having come before the Court pursuant to Defendant Ingram's Motion for Entry of Order compelling Plaintiff Dailey Law Firm, PC and Third party Defendant Brian Dailey, individually to show cause why they should not be held in contempt of Court for failure to comply with Court orders dated February 27, 2023, and May 12, 2023, both of which require Dailey and the Dailey Law firm to interplead the sum of Six Hundred Thousand Dollars (\$600,000.00) into an escrow account created by Robert S. Drazin, said account to be under the control of the Court (hereinafter referred to as "the Court's Orders"); Dailey and the Daily Law firm having failed to comply with this Court's orders

regarding the same, by failing to interplead any funds; a request having been made by Defendants in this matter for the appointment of a Receiver for purposes of gaining compliance with this Court's orders, and the Court being otherwise informed as to the premises:

IT IS HEREBY ORDERED that JOHN W. POLDERMAN, ESQ., 363 West Big Beaver Rd., #410, Troy MI 48084 ("Receiver"), is hereby authorized to act with full powers over the interests in personal, real, mixed and business assets ("assets") of Brian T. Dailey, Individually, and the Dailey Law Firm, PC. wherever said assets are situated, for purposes of enforcement of this Court's Orders of February 27, 2023 and May 12, 2023.

AUTHORITY OF RECEIVER

IT IS HEREBY FURTHER ORDERED that the Receiver is hereby granted all powers and authority conferred by statutes and case law, including but not limited to MCL 554.1011 et. seq., to control, sell, encumber, take possession of, lease or liquidate said personal, real, mixed and business assets of Brian T. Dailey, Individually, and the Dailey Law Firm, PC in order to gain compliance with the Court's orders of February 27, 2023 and May 12, 2023.

IT IS HEREBY FURTHER ORDERED that the Receiver shall deposit into a fiduciary checking account any and all monies, cash, funds, etc. from the liquidation of the personal and interests in business assets of Brian T. Dailey, Individually, and the Dailey Law Firm, PC, and that the Receiver shall not disburse said without an Order of this Court.

IT IS HEREBY FURTHER ORDERED that the Register of Deeds shall accept a certified copy of this Order for recording, against any real property in which the Receiver

determines that Brian T. Dailey, Individually, and the Dailey Law Firm, PC has an interest in.

IT IS HEREBY FURTHER ORDERED that responsibility for the Receiver's costs and fees are solely the responsibility of Brian T. Dailey, Individually, and the Dailey Law Firm, PC.

IT IS HEREBY FURTHER ORDERED that the Receiver, while exercising his duties, is deemed a ministerial officer of this Court whose jurisdiction over the assets named in this Order shall be the same as the Court itself. *See Cohen v Bologna*, 52 Mich App 149; 216 NW2d 586 (1974). No action, suit, proceeding, claim, or demand arising from, in connection with, or relating to any of the assets and/or in the course of acting in such court-appointed capacity shall be pursued against the Receiver by any party or non-party without an allegation that the Receiver has acted in bad faith and without first obtaining leave of this Court. *See In re Motion to Sue Receiver of Venus Plaza Shopping Center*, 228 Mich App 357; 579 NW2d 99 (1998).

THE RECEIVERSHIP ESTATE

IT IS HEREBY FURTHER ORDERED that the Receiver shall be empowered, but not obligated to:

- (a) Preserve, hold, and manage all receivership assets, and perform all acts necessary to preserve the value of those assets, to prevent any loss, damage, or injury;
- (b) Prevent the withdrawal or misapplication of funds;
- (c) Initiate, defend, compromise, adjust, intervene in, dispose of, or become a party to any actions or proceedings in state, federal, or foreign court necessary to preserve or increase the assets of either party or to carry out her duties pursuant to this Order;

(d) Choose, engage, and employ realtors, attorneys, accountants, appraisers, and other independent contractors and technical specialists, as the Receiver deems advisable or necessary in the performance of duties and responsibilities under the authority granted by this Order;

(e) Issue subpoenas to obtain documents and records pertaining to the receivership, and conduct discovery in this action on behalf of the receivership estate; and

(f) Make payments and disbursements from the receivership estate that are necessary or advisable for carrying out the directions of this Court, or exercising the authority granted by this Order.

RESTRAINT ON TRANSFER OF PROPERTY

IT IS HEREBY FURTHER ORDERED that except as otherwise ordered by this Court, the Brian T. Dailey, Individually, and the Dailey Law Firm, PC and any and all persons acting in concert with him or on his behalf, are restrained and enjoined from directly or indirectly transferring, selling, alienating, liquidating, encumbering, pledging, leasing, loaning, assigning, concealing, dissipating, converting, withdrawing, or otherwise disposing of the assets, except as otherwise ordered by this Court. This includes disbursement of any settlement fund proceeds for any ongoing litigation for cases being handled by the Brian T. Dailey, Individually, and the Dailey Law Firm, PC, excepting the client's share and/or any lienholders.

IT IS HEREBY FURTHER ORDERED that Brian T. Dailey, Individually, and the Dailey Law Firm, PC and all persons or entities who receive notice of this Order by personal service or otherwise, are restrained and enjoined from directly or indirectly destroying, mutilating, erasing, altering, concealing, or disposing of, in any manner,

directly or indirectly, any documents that relate to the business practices or business or personal finances of Brian T. Dailey, Individually, and the Dailey Law Firm, PC

BOND OF RECEIVER

IT IS HEREBY FURTHER ORDERED that pursuant to MCR 2.622(C)(1) and (G), bond shall be a personal bond based upon consideration of the following, but not limited to, the following:

1. The value of the receivership estate, if known;
2. The amount of cash or cash equivalents expected to be received into the receivership estate;
3. The amount of assets in the receivership estate on deposit in insured financial institutions or invested in US treasury obligations;
4. Whether the assets in the receivership estate cannot be sold without further order of the Court;
5. If the Receiver is an entity, whether the Receiver has sufficient assets or acceptable errors and omissions insurance to cover any potential losses or liabilities of the receivership estate;
6. The extent to which any secured creditor is under-secured;
7. Whether the receivership estate is a single parcel of real estate involving few trade creditors; and
8. Whether parties have agreed to a nominal bond.

RECEIVER'S LIEN

IT IS HEREBY FURTHER ORDERED that the Receiver shall be authorized to record a claim of interest against any real and/or personal property in which Brian T. Dailey, Individually, and the Dailey Law Firm, PC retains a fee simple interest in and the

recordation of the Receiver's claim of interest shall constitute notice of the Receiver's lien for any of the Receiver's unpaid fees and costs.

RETENTION OF JURISDICTION

IT IS HEREBY FURTHER ORDERED that the balance of any Judgment or orders of this Court previously entered shall remain in full force and effect and this Court retains jurisdiction of this matter for all purposes.

IT IS SO ORDERED.

/s/ Adel A. Harb 6/26/2023

CIRCUIT COURT JUDGE